

CHAPTER 1-03— AN ORDINANCE RELATIVE TO HAWKERS, PEDDLERS, SOLICITORS, AND OTHER ITINERANT VENDORS

Pursuant to the provisions of RSA 31, 320, 321 and any or all other applicable statutes annotated, the Board of Selectmen of the Town of Stratham enact the following Town Ordinance:

In the interest of promoting and insuring the public health and safety and general welfare of all the citizens of Stratham and other individuals who may frequent the Town of Stratham, and;

It serves a legitimate public purpose to regulate individuals and/or entities that wish to conduct their trade within the Town of Stratham without the benefit of a permanent business location and therefore the following regulations shall apply:

- 1-03-01** The governing Board of Selectmen adopt this ordinance for the purpose of licensing and the regulation of itinerant vendors, hawkers, peddlers, solicitors, traders, farmers, merchants, or other persons who sell, offer to sell, or take orders for merchandise, services, or produce from temporary or transient sales locations within Town or who go from door to door or place to place within the Town of Stratham for such purposes.
- 1-03-02** No person, partnership, corporation, or other entity may sell, barter, purchase, or otherwise carry on commerce in goods or services within the Town of Stratham through door to door solicitations, or any other method, without first obtaining a license to do so from the Town of Stratham.
- 1-03-03** Persons subject to this ordinance shall apply to the office of the Chief of Police for a license. The application for a license shall include the following information:
1. The name of the person applying and the name of the entity, if different, for whom the application is made.
 2. The local address of the person applying, the permanent address of the person applying and of the entity, if different from the person making the application.
 3. The local and permanent telephone numbers of said person and/or entity, and the social security number of said person and/or the taxpayer identification number of the entity.
 4. A description and registration number of all motor vehicles to be used by all persons involved in sales or solicitations.
 5. The names, dates of birth, and social security numbers of all persons involved with sales or solicitations.
 6. The method of solicitation to be used and copies of any proposed contracts, agreements, promotional materials, or other materials designed to be used in the solicitations.
 7. The nature of goods and/or services to be sold or provided and the names of the areas and/or locations to be canvassed.
- 1-03-04** The Chief of Police shall grant such licenses, in a form suitable to him or her for this purpose, within ten (10) working days of receipt of said application and necessary fees unless it is determined that:

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1. The applicant has been convicted of actions involving consumer fraud, or;
2. The applicant has outstanding charges for consumer fraud lodged against him or her anywhere in the State of New Hampshire, either with a state or local agency, or;
3. The applicant has outstanding fines and/or debts which are owed the Town of Stratham
4. The applicant is deemed to be unsuitable based on any derogatory information found in a local police record check

- 1-03-05** The applicant, upon applying for said license, shall be assessed a non-refundable fee of forty dollars (\$40.00) which shall be collected by the police department when said application is made. Funds collected will be transferred to the Town Treasurer to be deposited in the General Fund. Upon issuance of a license to any person, firm, corporation, religious group or church, the Chief will notify the Board of Selectmen or Town Clerk. Said license once issued shall not be transferable to any other person and/or entity. Licenses will expire 365 days from the date of issuance. No person or entity shall hold, possess, or benefit from more than one license at any given time.
- 1-03-06** All door to door solicitations or sales shall occur between the hours of 9:00 am and 7:00 pm.
- 1-03-07** Upon receipt of any complaint concerning nuisance, hazard, annoyance, harassment, falsification, or disorderly conduct concerning any section of this ordinance, any or all solicitors will be asked to cease and desist all solicitations. The license may be revoked upon the determination of the Chief of Police after an investigation of the complaint has been conducted. If an applicant believes the license to be wrongly revoked or denied from issuance, he or she may appeal the decision of the Chief to the Board of Selectmen, who shall hold a hearing on the issue or complaint and who may grant, reissue, or deny said license. The Selectmen shall hold said hearing within fourteen (14) business days of the request for a hearing.
- 1-03-08** Any person, firm, corporation, or other entity granted such a license shall upon demand show suitable identification of their person and of the entity they represent to any person requesting same and shall, at each solicitation or inquiry, identify the entity benefiting from the funds received.
- 1-03-09** This ordinance does not apply to those who are youth members, (under 18 years of age) and directly affiliated with any recognized youth organization and who are acting on that organization's behalf.
- 1-03-10** This ordinance does not apply to those vendors who are working directly under a not-for-profit agency as part of a larger event held in the Town of Stratham such as the Stratham Fair. Said agency shall apply for a single license for the event and be responsible for those vendors appearing during the event.

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- 1-03-11** This ordinance does not apply to any group or individual who is engaged in proselytizing, participating in political activities or exercising any other right to protected free speech and who is not engaged in selling, offering to sell, or otherwise carrying on commerce in goods and/or services at the time
- 1-03-12** Whoever counterfeits or forges a license, or has a counterfeit or forged license in their possession with the intent to utter or use the same as true, knowing it to be false or counterfeited, or attempts to sell under a license which has expired or has been revoked or canceled, or which had not been issued to him or her or has in his or her possession another's license with the intent to use the same or who provides false information on the application shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.
- 1-03-13 PENALTIES:** Any person, firm, corporation, partnership, or other entity found to be engaging in any activity described in section 1-03-02 will be in violation of this ordinance and shall be guilty of a violation and subject to a fine of not more than one thousand dollars (\$1,000.00).

This ordinance shall become effective upon the affirmative vote to adopt by the Board of Selectmen after having two (2) readings. Once so adopted, this ordinance shall be governed, controlled, and enforced, in part and in whole, in accordance with the articles of the Code of Ordinances for the Town of Stratham and subject to codification once adopted for ease of reference. This ordinance shall remain in effect until expressly revoked or amended by act of the Board of Selectmen or by warrant article approved at Town Meeting.

First Reading 04/11/2016

Second Reading 04/18/2016

Witness our hands and sealed to be effective and adopted this 18th day of April 2016.

Board of Selectmen,
Stratham, New Hampshire

David Canada

Bruno Federico

Joseph Lovejoy

This is to certify that on the 19 day of April 2016 at 2:24 pm the above ordinance was filed and recorded with the records of the Town Clerk of the Town of Stratham, New Hampshire.

Witness my hand Joyce Charbonneau
Joyce Charbonneau, Town Clerk

Filed as Ordinance #1-03